

Notice of Allowability

Application No.

09/711,691

Examiner

Tam D. Tran

Applicant(s)

NUEBLING ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper received 04/11/2005.
2. ☒ The allowed claim(s) is/are 64-86.
3. ☒ The drawings filed on 13 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter T. Holsen, Reg. No. 54180, on June 15, 2005.

2. IN THE CLAIMS:

In claim 64, lines 10 – 17, **delete** " selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate, identifying a first area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point, applying a first predetermined color to the identified first area based on the amplitude of the selected first data point. "

and replace with

- - automatically selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate,

automatically identifying a first area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point,

automatically applying a first predetermined color to the identified first area if the amplitude of the selected first data point is in a first range,

automatically applying a second predetermined color to the identified first area if the amplitude of the selected first data point is in a second range, and

automatically applying a third predetermined color to the identified first area if the amplitude of the selected first data point is in a third range. - -

3. In claim 75, lines 8 – 14, **delete** “ selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate, identifying a first area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point, applying a first predetermined color to the identified first area based on the amplitude of the selected first data point. ”

and replace with

- - automatically selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate,

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automatically identifying a first area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point,

automatically applying a first predetermined color to the identified first area if the amplitude of the selected first data point is in a first range,

automatically applying a second predetermined color to the identified first area if the amplitude of the selected first data point is in a second range, and

automatically applying a third predetermined color to the identified first area if the amplitude of the selected first data point is in a third range. - -

Allowable Subject Matter

4. Claims 64-86, are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art shows displaying physiological patient data in a three-dimensional representation but does not disclose colorizing the three-dimensional representation by automatically selecting a first data point along a current waveform in the series of waveforms, the selected first data point having a representative X coordinate, Y coordinate and Z coordinate,

automatically identifying a first area between the current waveform and a second waveform in the series of waveforms based upon the coordinates of the selected first data point,
automatically applying a first predetermined color to the identified first area if the amplitude of the selected first data point is in a first range,
automatically applying a second predetermined color to the identified first area if the amplitude of the selected first data point is in a second range, and
automatically applying a third predetermined color to the identified first area if the amplitude of the selected first data point is in a third range. The method colorizes area between waveforms.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **571-272-7793**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matthew Bella** can be reached on **571-272-7778**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

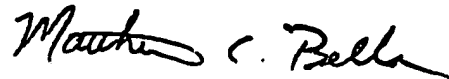
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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tam Tran

TT
Examiner

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MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600